



CITY OF DULUTH

Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 14-008	Contact	Jenn Reed Moses, (218) 730-5328
Application Type	Special Use Permit	Planning Commission Date	March 11, 2014
Deadline for Action	Application Date	February 5, 2014	60 Days
	Date Extension Letter Mailed	February 20, 2014	120 Days
Location of Subject		800-900 Helberg Drive	
Applicant	Duluth Seaway Port Authority	Contact	218-727-8525 or jkubow@duluthport.com
Agent	LHB, Inc - Joe Litman	Contact	218-279-2455 or joe.litman@ihbcorp.com
Legal Description	010-3910-07040		
Site Visit Date	February 27, 2014	Sign Notice Date	February 25, 2014
Neighbor Letter Date	February 25, 2014	Number of Letters Sent	4

Proposal

The Port Authority is undertaking improvements to the Garfield C and D docks, including filling a small footprint of Lake Superior Bay for the construction of a new dock wall and a roll-on/roll-off dock. A portion of this area is a designated flood plain, requiring a Special Use Permit.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	I-W	Industrial port activities	Industrial Waterfront
North	I-W	Industrial port activities	Industrial Waterfront
South	I-W	Industrial port activities	Industrial Waterfront
East	N/A	Lake	N/A
West	I-G	Industrial port activities	General Industrial/Transportation

Summary of Code Requirements (reference section with a brief description):

Section 50-18.1.C.2(b) Special Uses. The following uses involving accessory structures or fill or storage of materials or equipment may be permitted only after the issuance of a special use permit pursuant to Article 5.....Placement of fill or construction of fences

Section 50-18.1.C.2(c) Standards for special use permits (paraphrased). Proposed use will not cause any increase in flood, shall not obstruct the flow of flood waters, and shall be protected from erosion. Use will not include storage or processing of flammable/injurious materials and shall be readily removable from the area after a flood warning.

Section 50-37.10. Special Use Permits. The Planning Commission shall approve the application or approve it with modifications if the commission determines that the application meets the following criteria: 1. The application is consistent with the Comprehensive Land Use Plan; 2. The application complies with all applicable provisions of this Chapter, including without limitation any use-specific standards applicable to the proposed use, development or redevelopment, and is consistent with any approved district plan for the area; 3. Without limiting the previous criteria, the commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts on the community.

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Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Governing Principle #3 - Support traditional economic base. Identified industries includes port operations, transportation services, manufacturing, bulk commodity handling, and related support services. Locational considerations include docks, shipping channels, railroad rights-of-way, Interstate highway and airport.

Future Land Use - Industrial Waterfront: Waterfront- or port-dependent industrial uses. May co-exist in proximity to other waterfront-related uses. Should have access to regional roads or rail.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

Staff finds that:

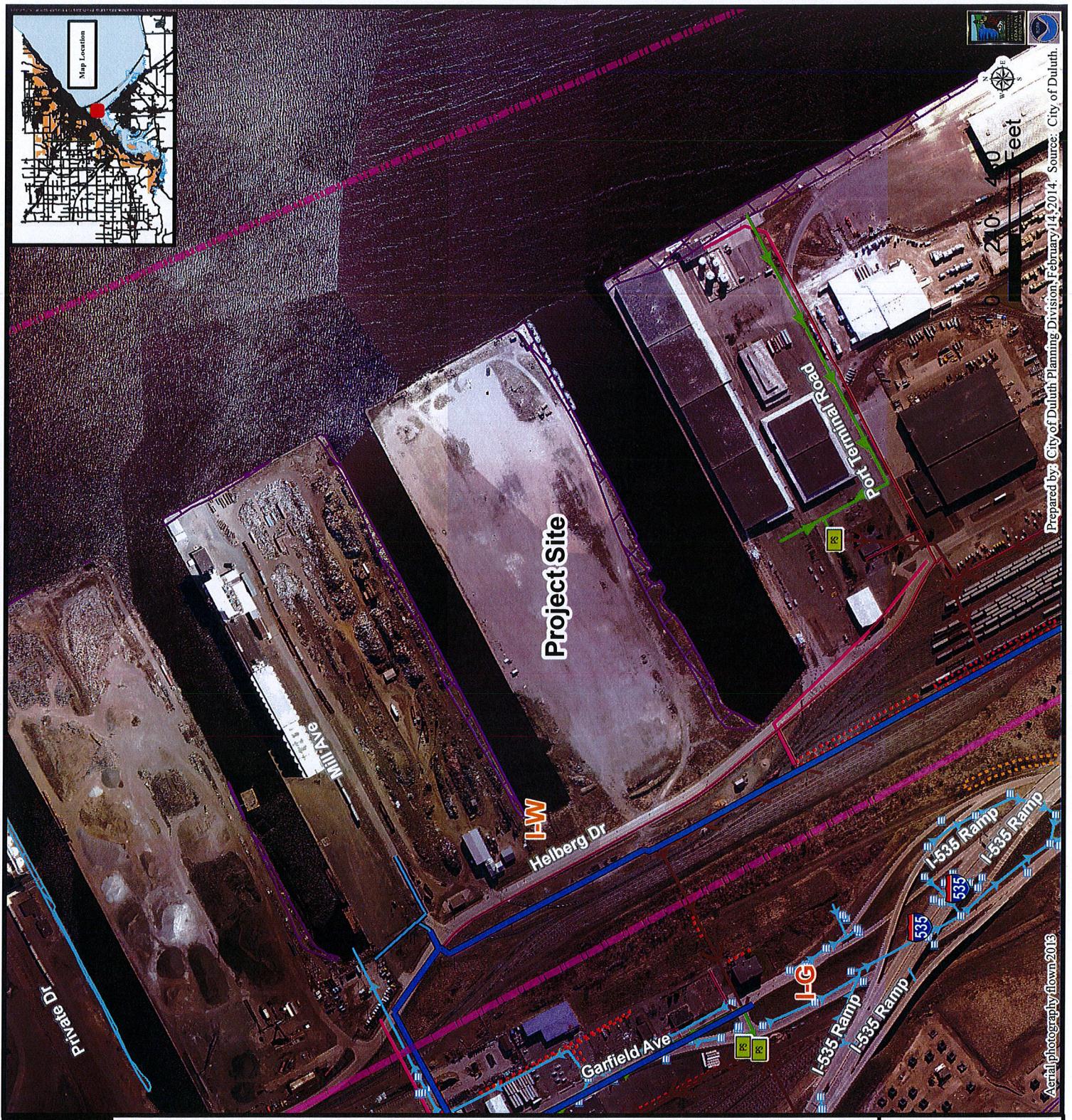
- 1.) Use as a dock for the Port Authority is consistent with the Comprehensive Land Use Plan's future land use and with Governing Principle #3.
- 2.) The Natural Resources Overlay map shows that the project would impact 1.52 acres of floodplain. However, an analysis by the applicant based on accurate elevation data shows that 0.73 acres would be impacted.
- 3.) The total project involves less than 9,000 cubic yards of fill within the bay, which will be more than offset by 50,000+ cubic yards of dredging. Thus, the project will not result in any increase in the flood stage. Use will not include storage or processing of flammable/injurious materials and will be readily removable from the area after a flood warning.
- 4.) No negative fiscal or environmental impacts are anticipated.
- 5.) No public, agency, or City comments were received.
- 6.) UDC 50-37.1.N states that an approved Special Use Permit will expire if the project or activity authorized by the permit is not begun within 1 year.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends Planning Commission approve the Special Use Permit subject to the following conditions:

- 1.) The project be limited to, constructed, and maintained according to drawing C1.00, General Project Scope.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



City Planning
PL 14-008
Special Use Permit
Duluth Seaway Port Authority
800 Heilberg Drive

Legend

	Zoning Boundaries
	Stream Type
	Trout Stream (GPS)
	Other Stream (GPS)
	Water Distribution System
	30 - 60" Water Pipe
	16 - 24" Water Pipe
	4 - 6" Water Pipe
	Sanitary Sewer Collection System
	Sanitary Sewer Collector
	Sanitary Sewer Interceptor
	Storage Basin
	Pump Station
	Gas Distribution Main
	8" - 16" Gas Pipes
	4" - 6" Gas Pipes
	0" - 4" Gas Pipes
	Storm Sewer Collection System
	Storm Sewer Pipe
	Storm Sewer Catch Basin
	Discharge Points
	Easement Type
	Utility Easement
	Other Easement
	Floodplain Type
	General Flood Plain
	Flood Way
	Flood Fringe

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, February 14, 2014. Source: City of Duluth.

**Duluth Seaway Port Authority
C and D Dock Redevelopment
Special Use Permit Request
Supporting Documentation/ Discussion**

In accordance with Natural Resources Overlay Map 5 (NRO-5), the Lake Superior Bay facing sides of the C and D Dock redevelopment site are designated to be within Floodway. Article 2, Section 50-18 of the Unified Development Chapter of the City of Duluth Legislative Code identifies permitted and special uses within Floodways and Flood Fringe areas. For purposes of this Special Use application and in the absence of a detailed study, while not foregoing the property owner's right to perform a detailed study, the property owner at this time requests the subject property boundary which interfaces with Lake Superior Bay, for the purposes of this Special Use Permit request, be classified as Floodway.

Article 2, Section 50-18.1.C.2.b designates Special Uses which may be permitted within a designated floodway upon issuance of a Special Use Permit. These Special Uses include structures accessory to a permitted use, placement of fill, or construction of fences.

In support of this Special Use Request the following is provided:

The National Flood Insurance, FIRM Map, prepared by FEMA, November 4, 1992 revision, details a 100 year base flood elevation of El. 605 for Lake Superior Bay adjacent to the C and D Dock development site. Existing grade elevation of the C and D dock site is a minimum of 605 thus evidencing it is above the 100 year base flood elevation and that any filling on the existing site (land surface) will not impact 100 year flood elevations or flows.

The C and D Dock redevelopment project includes the filling of a small footprint of Lake Superior Bay amounting to 8762 square feet filled for the construction of new dock wall in front of the failing dock wall and 2587 square feet filled for the construction of the new Roll-on/ Roll-off dock (reference enclosed General Project Scope Plan C1.00 and Garfield C and D Dockwall Rehabilitation Plan Sheets S0.0 to S2.2). This 11,349 total square feet of fill, with accounting for average water depth in filled areas equates to less than 9,000 cubic yards volume filled within Lake Superior Bay. The project however also includes a substantial amount of dredging to obtain a 29 foot navigational depth adjacent to D Dock. Volume of dredging included with the project is a minimum of 50,000 cubic yards. The 50,000 cubic yards of dredge excavation more than offsets the 9,000 cubic yard fill volume resulting in a substantial net increase in Lake Superior Bay storage volume below the 100 year base flood elevation.

The project includes the installation of site security fencing/ entrance gates along the property frontage bordering Helberg Drive. This fencing will be placed on land with existing/ proposed elevation greater than the elevation 605, 100 year flood elevation and thus will not be impacted by nor impact the 100 year flood. Similarly the project includes the placement of a small, approximately 8'x8' prefabricated guard/ security house to be located near the entrance gate. It will be located on/ secured to a concrete base and will be set at an elevation at least 1 foot above the elevation 605, 100 year flood elevation. Reference enclosed General Project Scope Plan C1.00 for fencing and guard house location.

I hereby certify that this plan specification or report was prepared by me or under my direct supervision and that I am a duly licensed professional engineer under the laws of the state of Minnesota.

Joseph D. Litman

Signature

Joseph D. Litman

Typed or Printed Name

Feb. 4, 2014

Date

21833

Reg. No.



PERFORMANCE
DRIVEN DESIGN.

LHB.com

21 W. Superior St., Ste. 500 | Duluth, MN 55802 | (218) 727-3445



CONSULTING ENGINEERS P.A.

91 North Street

Superior, WI 54880

Ph: 715.776.3793 Fax: 715.776.7088

CHEMIST
DULUTH SEAWAY
PORT AUTHORITY
(DSPA)

2100 Port Terminal Drive
Duluth, MN 55802

THIS DRAWING IS FOR INFORMATIONAL PURPOSES ONLY.
NOT DRAWN TO SCALE.

NO. DATE ISSUED FOR

NO. DATE ISSUED FOR



PROJECT NAME:
DULUTH SEAWAY PORT
AUTHORITY
GARFIELD C & D DOCK
IMPROVEMENTS

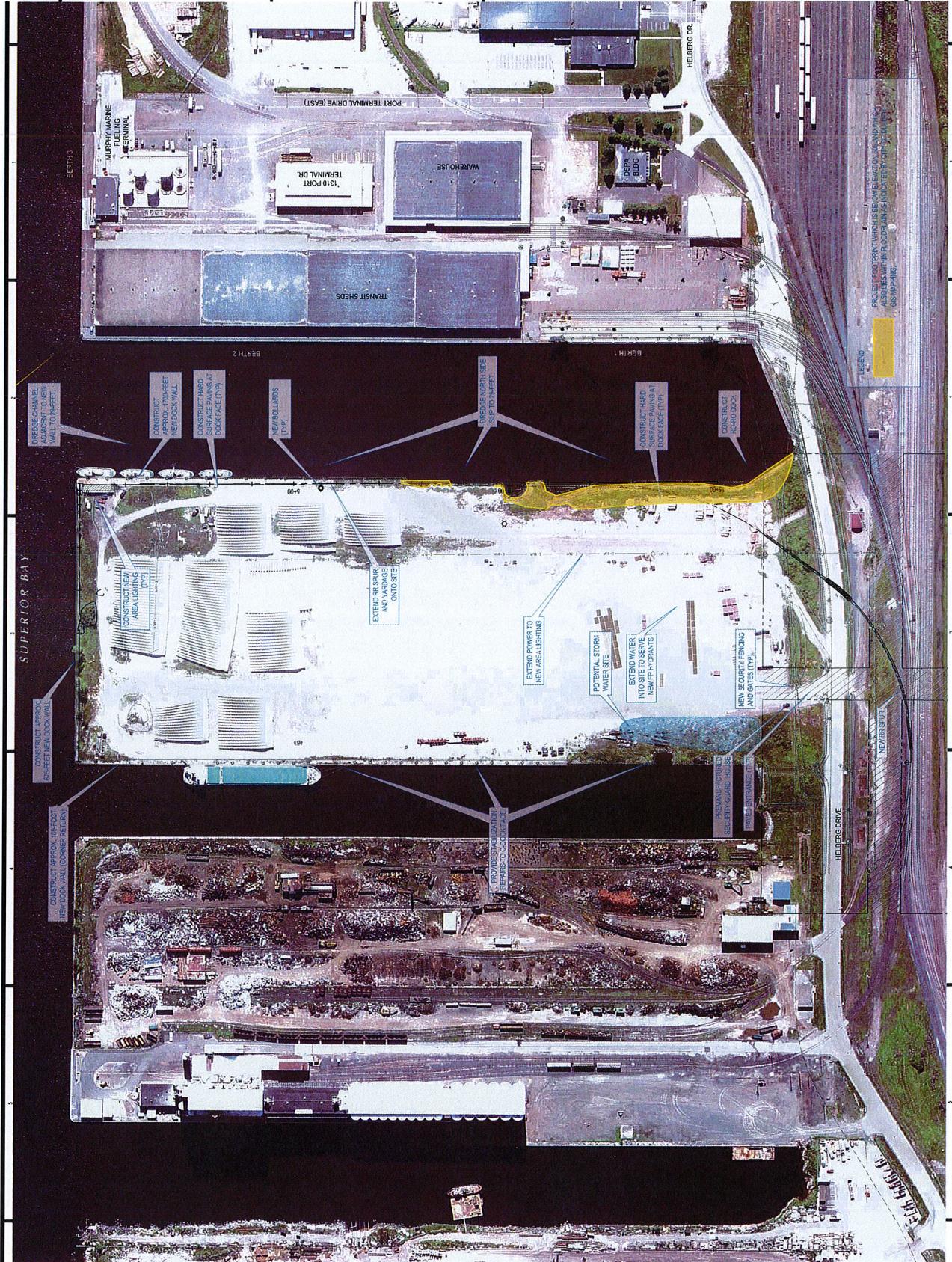
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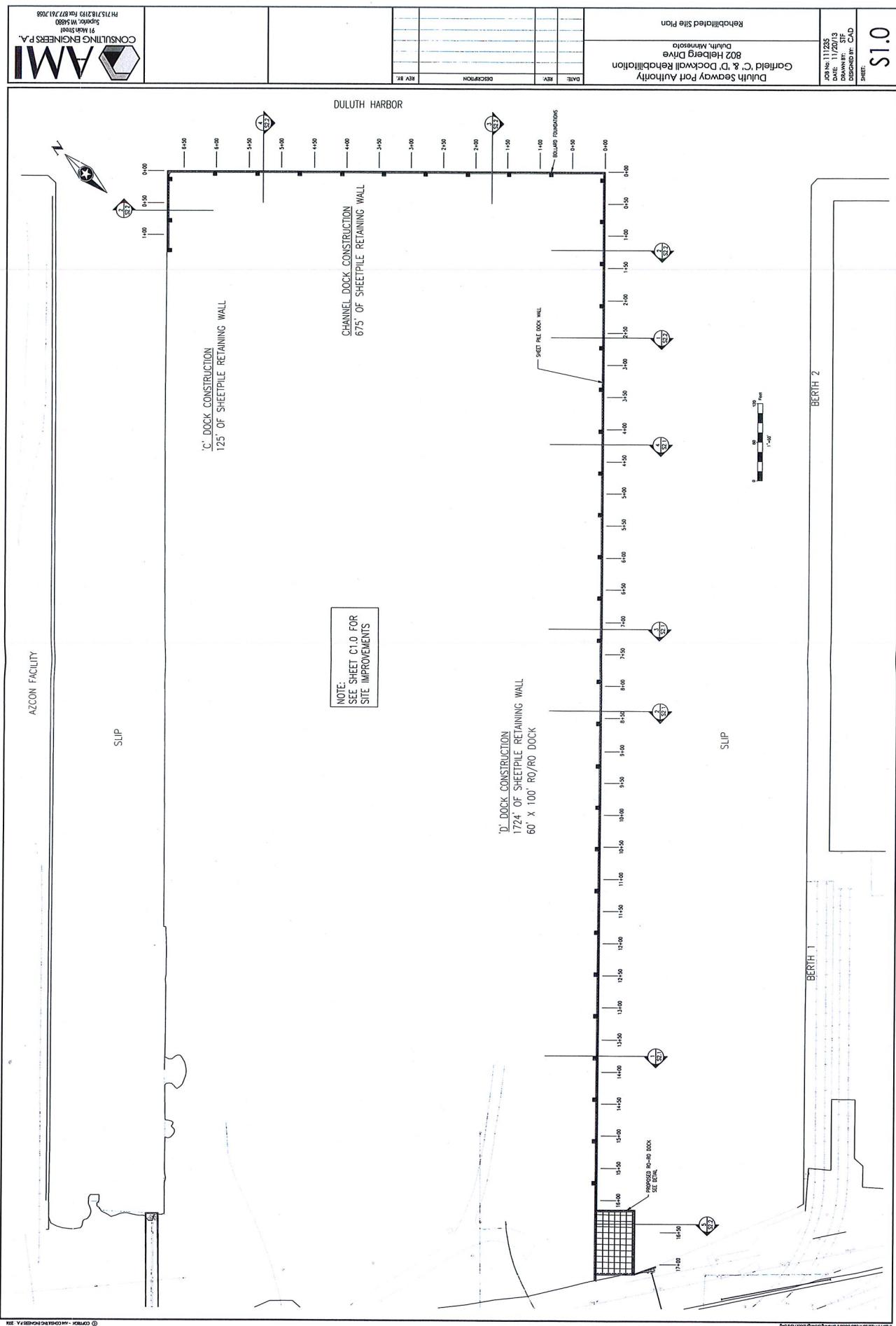
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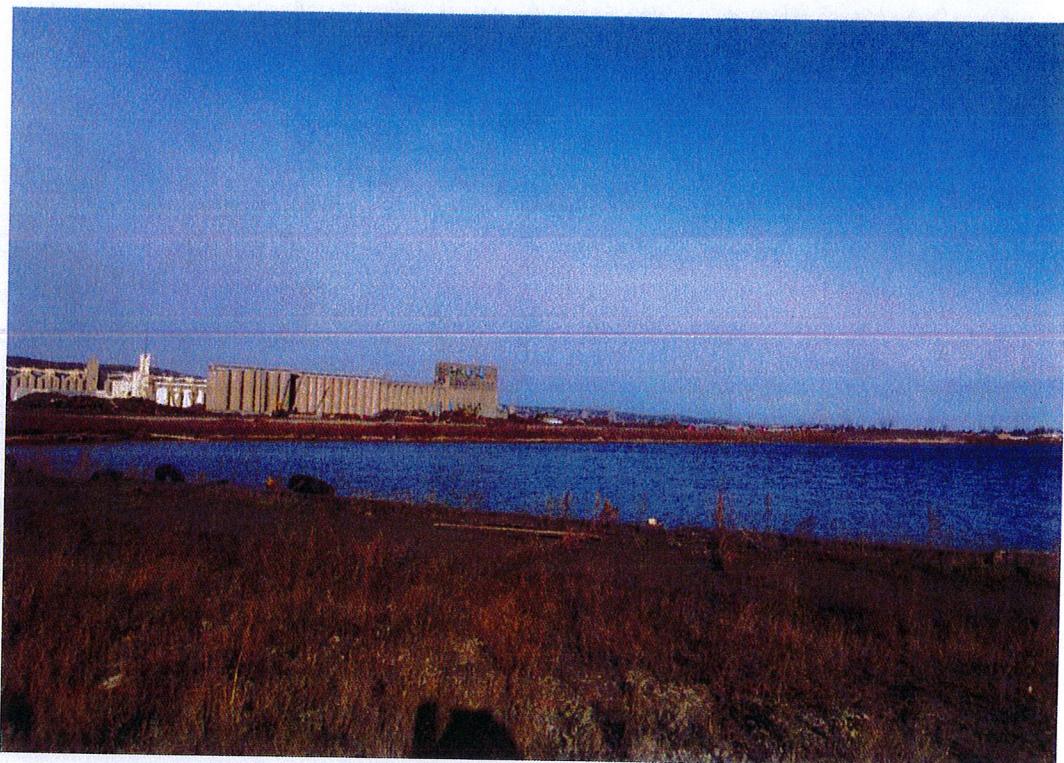
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Duluth Seaway Port Authority- C and D Dock Site- Special Use Permit Request: Supplementary Photos-1



View of Duluth Seaway Port Authority C and D Dock site Looking Northwest from Helberg Drive



Northwest Driveway Entrance to C and D Dock Site from Helberg Drive

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Duluth Seaway Port Authority- C and D Dock Site- Special Use Permit Request: Supplementary Photos-2



General View- Surfacing at C and D Dock Site



General View- Surface at C and D Dock Site- Looking East/ Southeast to Clure Terminal